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John Flounlacker, Esquire
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Attorneys for Defendant Edleman

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JACK MARRONE, husband, KAREN
MARRONE, wife, both individually and
in their capacity as parents and guardians
for VIDA MARRONE, a minor, and
MATTHEW ADAM MARRONE
Plaintiffs

v.

ALLSTATE INSURANCE COMPANY,
LINDA M. EDLEMAN, FRED SCHAFER,
MT. GRETNAL REALTY, and
HOUSEMASTERS
Defendants

: NO.: 1:CV-01-0773

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: JUDGE KANE

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: Civil Action Law

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: Jury Trial Demanded

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FILED
MIDDLE DISTRICT, PA
OCT 21 2002
JUDGE KANE

**RESPONSE OF DEFENDANT, LINDA M. EDLEMAN,
TO PLAINTIFFS' MOTION FOR EXTENSION OF TIME**

AND NOW ONTO COURT, through undersigned counsel, comes the Defendant, Linda M. Edleman, who, in Response to Plaintiffs' Request for an Extension of Time submits the following:

1. The Plaintiff and her former legal counsel initiated this lawsuit by filing their Complaint on May 3, 2001.
2. On or about September 21, 2001, a Joint Case Management Plan was submitted to the Court.
3. On September 26, 2001, the parties participated in the initial Case Management Conference.

4. On September 27, 2001, this Honorable Court entered a Case Management Order which among other things required that all fact discovery be concluded by February 28, 2002 and that the parties were required to produce their expert reports by March 29, 2002. A copy of the docket sheet indicating the filing of this Order is attached hereto as Exhibit A.

5. On November 2, 2002, upon receiving leave of Court, Plaintiffs filed an Amended Complaint.

6. On November 6, 2001, the Plaintiffs former counsel advised all of the parties that counsel would be withdrawing his representation of the Plaintiffs.

7. Ultimately on November 21, 2001, a Motion to Withdraw as Counsel was filed by Attorney Richard F. Stevens to withdraw his representation of the Plaintiff.

8. On December 19, 2001, this Honorable Court granted the attorney's request to withdraw his representation of the Plaintiff.

9. On December 21, 2001, this Honorable Court granted Plaintiffs first request for an extension of time requested for the purpose of securing new legal counsel.

10. On January 15, 2002, this Honorable Court granted the Plaintiffs second request for an extension of time which was requested for the purpose of securing new counsel to proceed with this litigation.

11. On February 1, 2002, Louis M. Tarasi, Jr. Esquire of the law firm of Tarasi, Tarasi & Fishman, P.C., entered his appearance for Plaintiffs.

12. On or about February 19, 2002, this Honorable Court entered a Revised Case Management Order which provided among other things that the discovery cut off for this case was to occur on June 28, 2002 and that expert reports were to be produced by the parties by July 12, 2002. See Exhibit A.

13. On July 2, 2002, Plaintiffs filed a Motion seeking a third extension for additional time for the purposes of pursuing further fact discovery.

14. On July 5, 2002, this Honorable Court granted the above-referenced Motion and issued a new case management order which provided that discovery was to conclude by August 30, 2002, reports of experts were due on September 13, 2002 and supplemental expert reports were due by September 27, 2002. See Exhibit A.

15. To date, the Plaintiff has not produced any report from a medical expert. Nor has the Plaintiff identified any medical expert that they plan to use in connection with prosecuting this case.

16. On October 18, 2002, the moving Defendant received a facsimile copy of the Plaintiffs' request seeking a fourth extension of time for the purposes of securing a report from an unidentified medical expert.

17. The above-referenced Motion being filed by the Plaintiffs is the fourth request that the Plaintiffs have made for enlargements of time in connection with this lawsuit.

18. Moreover, this request is being made approximately 30 days after the deadline for production of expert reports has expired.

19. The Defendant strongly opposes the Plaintiffs' instant request because it would effect all of the other previously established deadlines in this case and elongate this litigation.

20. This litigation has caused significant and personal harm to Defendant Lynn Edleman.

21. Since this lawsuit has been filed, Ms. Edleman has had a very difficult time in securing homeowners coverage for her residence. In fact, Ms. Edleman has been placed on some sort of high risk homeowners status as a direct consequence of this litigation and accordingly her premiums have gone up substantially since the Plaintiffs have initiated this lawsuit.

22. Ms. Edleman fears that the longer this litigation is allowed to exist the more likely it is that Ms. Edleman's prior homeowners insurance carrier will not provide her with a defense to the claims that are being made by the Plaintiffs in this litigation.

23. This litigation has also cast a cloud over Ms. Edleman's finances and her ability to borrow money for her other personal needs.

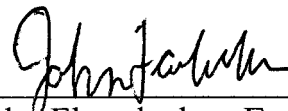
24. The Defendant submits that this court and the parties to this litigation have been more than fair to the Marrones as it relates to their repeated requests for extensions of time to assist them in prosecuting this litigation.

25. Finally, in the event this court denies Defendant Edleman's instant Motion – Defendant Edleman prays that this Honorable Court will proceed to decide those portions of Defendant Edleman's Motion for Summary Judgment that do not concern themselves with the Plaintiffs' failure to produce a medical expert in accordance with the prior order that was generated in this case.

Wherefore, Defendant, Linda M. Edleman, respectfully requests that this Honorable Court deny the Plaintiffs' Request for an Extension of Time and require that the parties proceed as provided for in the Court's most recent scheduling order.

Respectfully submitted,

THOMAS, THOMAS & HAFFER, LLP

By: 

John Flounlacker, Esquire

Attorney I.D. # 73112

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Date: 10/21/02

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A

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U.S. District Court
Middle District of Pennsylvania (Harrisburg)

CIVIL DOCKET FOR CASE #: 01-CV-773

Marrone, et al v. Allstate Insurance, et al
Assigned to: Judge Yvette Kane
Demand: \$0,000 42075
Lead Docket: None
Dkt# in other court: None

Filed: 05/03/01
Jury demand: Both
Nature of Suit: 360
Jurisdiction: Diversity

Cause: 28:1332 Diversity-Personal Injury

JACK MARRONE, husband,
individually and in his
capacity as parent and
guardian for Vida Marrone, a
minor
 plaintiff

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Timothy T. Stevens
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KAREN MARRONE, wife,
individually and in her
capacity as parents and
guardians for Vida Marrone, a
minor
 plaintiff

Richard F. Stevens
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(See above)
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Timothy T. Stevens
[term 10/09/01]

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Proceedings include all events.

1:01cv773 Marrone, et al v. Allstate Insurance, et al

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[COR LD NTC]Karen Marrone
[COR LD NTC] [PRO SE]
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Dixon, MOLouis M. Tarasi, Jr.
(See above)
[COR LD NTC]

v.

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Proceedings include all events.

1:01cv773 Marrone, et al v. Allstate Insurance, et al

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1:01cv773 Marrone, et al v. Allstate Insurance, et al

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1:01cv773 Marrone, et al v. Allstate Insurance, et al

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1:01cv773 Marrone, et al v. Allstate Insurance, et al

5/3/01 1 COMPLAINT re: Personal Injury Receipt #: 83574 Amt: 150.00 (hm) [Entry date 05/03/01]

5/3/01 -- SUMMONS ISSUED to Attorney Timothy Stevens as to defendant Allstate Insurance, defendant Linda M. Edleman, defendant Fred Schafer, defendant Mt. Gretna Realty, defendant House Masters with Plaintiff's packet (hm) [Entry date 05/03/01]

5/9/01 2 LETTER from court to counsel RE: case assignment & procedure. (seal) [Entry date 05/09/01]

6/18/01 3 ENTRY OF ATTORNEY APPEARANCE for defendant Allstate Insurance by James G. Nealon, III, Esquire and c of s. (jh) [Entry date 06/19/01]

7/2/01 4 WAIVER OF SERVICE OF SUMMONS returned as to defendants; request sent 5/9/01. (jh) [Entry date 07/03/01]

7/6/01 5 MOTION by defendant Fred Schafer, defendant Mt. Gretna Realty to dismiss case with attached exhibits and c/s. (ts) [Entry date 07/09/01]

7/12/01 6 ENTRY OF ATTORNEY APPEARANCE for defendant Linda M. Edleman by atty John Flounlacker; C/S. (vg) [Entry date 07/13/01]

7/16/01 7 BRIEF by defendant Fred Schafer, defendant Mt. Gretna Realty IN SUPPORT of motion to dismiss case [5-1] C/S (sm) [Entry date 07/17/01]

7/20/01 8 ANSWER and AFFIRMATIVE DEFENSES by defendant House Masters; w/ jury demand; with exh and c/s. (sc) [Entry date 07/23/01]

7/25/01 9 RESPONSE by plaintiffs to mtn of defts Fred Schafer and Mt. Gretna Realty to dismiss. C/S, Propo. (pm) [Entry date 07/26/01]

7/30/01 10 ANSWER by defendant Allstate Insurance; jury demand; C/S. (vg) [Entry date 07/31/01]

8/6/01 11 ANSWER by defendant Linda M. Edleman; jury demand; C/S. (vg) [Entry date 08/07/01]

8/6/01 11 CROSSCLAIM by defendant Linda M. Edleman against defendant Fred Schafer; C/S. (vg) [Entry date 08/07/01]

8/6/01 11 CROSSCLAIM by defendant Linda M. Edleman against defendant Mt. Gretna Realty; C/S. (vg) [Entry date 08/07/01]

8/6/01 11 CROSSCLAIM by defendant Linda M. Edleman against defendant House Masters; C/S. (vg) [Entry date 08/07/01]

8/13/01 12 BRIEF by plaintiffs IN OPPOSITION to motion to dismiss case [5-1]; reply brief due 8/27/01; with exh and c/s. (sc) [Entry date 08/14/01]

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8/15/01 13 ANSWER by cross-defendant Fred Schafer to CROSSCLAIM of Linda M. Edleman and c of s. [11-1] (jh)
[Entry date 08/16/01]

8/17/01 14 ORDER by Judge Yvette Kane Scheduling conf set for 10:00 a.m. 9/26/01 (cc: all counsel, court) (seal)
[Entry date 08/17/01]

8/21/01 15 REPLY BRIEF by defendant Fred Schafer, defendant Mt. Gretna Realty in support of motion to dismiss case [5-1]. C/S. (pc) [Entry date 08/21/01]

9/24/01 16 CASE MANAGEMENT FORM returned by cns1. (jh)
[Entry date 09/25/01]

9/26/01 17 MOTION by plaintiffs for leave to amend complt to add add'l pltf, Matthew Marrone; proposed amd complt att; C/S; Propo. (vg) [Entry date 09/27/01]

9/26/01 18 BRIEF by plaintiffs IN SUPPORT of motion for leave to amend complt to add add'l pltf, Matthew Marrone [17-1]. (vg)
[Entry date 09/27/01]

9/27/01 19 MINUTE SHEET from CMC held by Judge Kane on 9/26/01; termed ddl. (vg) [Entry date 09/28/01]

9/27/01 20 CASE MANAGEMENT ORDER by Judge Yvette Kane: Close of Fact Discovery: 2/28/02; Pretrial Memorandum due: 7/19/02; Pretrial and Settlement Conference: 10:00 a.m. - 7/25/02; Jury Selection and Trial: 9:30 a.m. - 8/5/02 Case placed on STANDARD Case Mgmt. Track. See order for further details. (cc: all counsel court, Ctrptr., Ctrm. Dep.) (vg)
[Entry date 09/28/01]

10/9/01 21 SUBSTITUTION OF COUNSEL: terminating attorney Timothy T. Stevens for pltf's and substituting attorney Richard F. Stevens. C/S (pm) [Entry date 10/10/01]

10/19/01 22 ORDER by Judge Yvette Kane Upon consideration of the pltf's' mtn to amend their complaint to add the additional pltf, Matthew Marrone, to the above captioned matter, and the responses thereto, IT IS ORDERED that said mtn is granted, and pltf's may amend their complaint to add the aforementioned additional pltf. [17-1] (cc: all counsel & Ct.) (jh) [Entry date 10/22/01]

11/2/01 23 AMENDED, complaint [1-1] n; jury demand; adding Matthew Adam Marrone with c/s. (ts) [Entry date 11/05/01]

11/15/01 24 MOTION by plaintiff to withdraw attorney Richard F. Stevens, Esq. with c of s and propo. (mc)
[Entry date 11/16/01]

Proceedings include all events.

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1:01cv773 Marrone, et al v. Allstate Insurance, et al

11/21/01 25 ORDER by Judge Yvette Kane striking motion to withdraw attorney Richard F. Stevens, Esq. for failure to comply with Local Rule 7.1 [24-1] (cc: all counsel, court) (jk) [Entry date 11/21/01]

11/23/01 26 MOTION by Jack Marrone, Karen Marrone, Matthew Adam Marrone to withdraw Richard F. Stevens as attorney Certificate of Concurrence, C/S, propo. (mc) [Entry date 11/26/01] [Edit date 11/26/01]

11/23/01 27 BRIEF by plaintiffs Jack Marrone, Karen Marrone and Matthew Adam Marrone IN SUPPORT of motion to withdraw Richard F. Stevens as attorney [26-1]. (mc) [Entry date 11/26/01]

12/10/01 28 ANSWER TO AMENDED COMPLAINT and CROSSCLAIM by defendant Linda M. Edleman against defendants Fred Schafer, Mt. Gretna Realty and House Masters and c of s. Jury trial demanded. (jh) [Entry date 12/11/01]

12/11/01 29 ORDER by Judge Yvette Kane - IT IS HEREBY ORDERED THAT a Teleconf is scheduled for 2:00pm on 12/19/01. Pltf's cnsl shall initiate this call. Pltfs Jack and Karen Marrone shall also be a party to this call. (cc: all counsel court) (sc) [Entry date 12/12/01]

12/21/01 30 MINUTE SHEET of telephone conf. held on 12/19/01. termed deadline (jh) [Entry date 12/26/01]

12/21/01 31 ORDER by Judge Yvette Kane Pltf's cnsl. of record in this matter, Richard F. Stevens, submitted a mtn to w/draw on 11/23/01. A telephone conf. was held on the mtn on 12/19/01, with pltf's cnsl., pltfs Jack & Karen Marrone, and cnsl. for defts. Following the conf. the Court granted the mtn to w/draw. IT IS ORDERED THAT: 1) Pltfs shall obtain new cnsl. w/in 30 days of the date of this Order. Pltfs' new cnsl. shall enter his or her appearance in the matter w/in 30 days of the date of this Order. [26-1] 2) A status conf. will be held on this matter on 1/30/02, at 9:30 a.m. by telephone during which the Court will discuss scheduling issues and issue a new scheduling Order. Pltfs' new cnsl. shall initiate the telephone conf. and participate in the conf. (cc: all counsel & Ct.) (jh) [Entry date 12/26/01]

12/21/01 32 ORDER by Judge Yvette Kane Upon consideration of the mtn to w/draw as cnsl. for the pltf of Richard F. Stevens, Esquire, IT IS ORDERED that said mtn is granted, additionally, the deadlines in this matter which have been previously established are hereby reasonably extended. [26-1] (cc: all counsel & Ct.) (jh) [Entry date 12/26/01]

1/7/02 45 ANSWER by defendant House Masters to plaintiffs' amended complaint. C/S. (jk) [Entry date 03/26/02]

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1:01cv773 Marrone, et al v. Allstate Insurance, et al

1/15/02 33 MOTION by plaintiffs to extend time by 45 days to obtain Legal Counsel and that the teleconference be held at the end of those 45 days; with c/s. (sc) [Entry date 01/16/02]

1/22/02 34 RESPONSE by defendant Linda Edelman to pltfs' request for an extension of time to file new legal cnsl. C/S, Propo. (pm) [Entry date 01/23/02]

1/23/02 35 RESPONSE by defendant House Masters to pltfs' mtn for extension of time in which to obtain successor cnsl; C/S. (vg) [Entry date 01/24/02]

1/28/02 36 ORDER by Judge Yvette Kane Teleconf RESCHEDULED TO 9:30 a.m. on 2/15/02 (cc: all counsel, court) (seal) [Entry date 01/28/02]

2/1/02 37 ENTRY OF ATTORNEY APPEARANCE for plaintiffs Jack Marrone, Karen Marrone and Matthew Adam Marrone by Louis M. Tarasi, Jr. and c of s. (jh) [Entry date 02/04/02]

2/4/02 -- SPECIAL ADMISSION FORM sent to Attorney: Louis M. Tarasi, Jr., Esquire. (jh) [Entry date 02/04/02]

2/13/02 38 ORDER by Judge Yvette Kane denying motion to dismiss case [5-1] (cc: all counsel court) (vg) [Entry date 02/13/02]

2/15/02 39 MINUTE SHEET of telephone conf before J. Kane on 2/15/02; Cnsl present termddl (pm) [Entry date 02/19/02]

2/19/02 40 CASE MANAGEMENT ORDER by Judge Yvette Kane - Jury trial set 12/2/02; Jury selection by 9:30 a.m. 12/2/02; Discovery cutoff 6/28/02; Pretrial memorandum due 11/15/02; Pretrial conference 2:00 p.m. on 11/22/02. Case placed on STANDARD Case Mgmt. Track (cc: all counsel, court) (jk) [Entry date 02/19/02]

3/4/02 41 ANSWER to complaint and CROSSCLAIM; jury demand by defendant Fred Schafer, defendant Mt. Gretna Realty; against defendant Linda M. Edleman, defendant House Masters with Cert of Service. (ao) [Entry date 03/05/02]

3/14/02 42 RESPONSE by dft Linda M. Edleman to the crsclm of dfts, F. Schafer and Mt. Gretna Realty; with c/s. (rb) [Entry date 03/15/02]

3/22/02 43 MOTION by HomeSide Lending, Inc. to intervene in the above case and permitting it to file declaratory judgment action complt.; C/S, Propo (pm) [Entry date 03/25/02]

3/22/02 44 MEMORANDUM by HomeSide Lending, Inc. IN SUPPORT OF motion to intervene in the above case and permitting it to file declaratory judgment action complt. [43-1]; C/S (pm) [Entry date 03/25/02]

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Proceedings include all events.

1:01cv773 Marrone, et al v. Allstate Insurance, et al

ATYADM
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4/9/02 46 MEMORANDUM by dft House Masters IN OPPOSITION to mtn to intervene in the above case and permitting it to file declaratory jgm action complt. [43-1]; reply brief due 4/22/02; with c/s. (sc) [Entry date 04/10/02]

6/4/02 47 MINUTE SHEET - of phone conference held 6/4/02 RE: discovery dispute. (jk) [Entry date 06/04/02]

6/4/02 48 ENTRY OF ATTORNEY APPEARANCE for defendant House Masters by atty Paul E. Scanlan; C/S (pm) [Entry date 06/05/02]

7/2/02 49 MOTION by plaintiffs for an extension of an addtl 60 days for fact discvoery and that the amended case management order of 2/19/02, shall be further amended. ; c/s, propo (pm) [Entry date 07/03/02]

7/5/02 50 ORDER by Judge Yvette Kane - Granting pltf's motion for an extension of an addtl 60 days for fact discvoery. [49-1] Jury trial RESCHEDULED 2/3/03; Jury selection SET 9:30 a.m. on 2/3/03; Discovery EXTENDED UNTIL 8/30/02; Pretrial conference SET 2:00 p.m. on 1/22/03; Pretrial memorandum DUE 1/17/03 (cc: all counsel, court) (jk) [Entry date 07/05/02]

10/15/02 51 MOTION by dft House Masters to exceed page limitation; with cert of conc., c/s and propo. (sc) [Entry date 10/16/02]

10/17/02 52 ORDER by Judge Yvette Kane - Granting dft Housemaster's motion to exceed page limitation [51-1] (cc: all counsel, court) (jk) [Entry date 10/17/02]

CERTIFICATE OF SERVICE

I. Jeannie L. Kawalec, an employee for the law firm Thomas, Thomas & Hafer, LLP, hereby state that a true and correct copy of the foregoing document(s) was served upon all counsel of record by first class United States mail, postage prepaid, addressed as follows, on the date set forth below:

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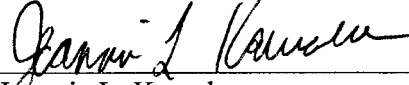
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